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C O N F I D E N T I A L SECTION 01 OF 02 SEOUL 10629
E.O. 12065: GDS 08/18/86 (MCNJC, JOHN C.) CR-M
TAGS: PINT PGOV SOPN SHUM KS JA US
SUBJECT: TRIAL OF KIM DAE JUNG (SESSION NO. 2)
REF: SEOUL 10558
1. (LOU) SUMMARY: THE SECOND SESSION OF THE COURT MARTIAL OF KIM DAE JUNG TOOK PLACE AUGUST 18. AFTER REJECTION OF DEFENDANT CLAIMS THAT THE COURT HAD NO JURISDICTION, A PROSECUTION MOTION WAS ACCEPTED TO TRY KIM SEPARATELY (AND FIRST) ON HIS ANTI-COMMUNIST, FOREIGN CURRENCY AND NATIONAL SECURITY LAW CHARGES. WHEN QUESTIONING OF KIM BEGAN, HE DECLINED TO ANSWER, CHARGING POLITICAL REPRESSION. THOUGH HE SAID HE WOULD RESPOND TO CROSS-EXAMINATION BY HIS OWN LAWYER. CENSORSHIP OF COPY FILED BY FOREIGN CORRESPONDENTS CONTINUES TO BE A PROBLEM. END SUMMARY.
2. (LOU) THE SESSION BEGAN WHEN THE COURT TOOK UP A CLAIM BY DEFENDANT YI SIN-POM (M-B) THAT THE MILITARY COURT HAD NO JURISDICTION. THE CLAIM WAS REJECTED. DEFENDANT MUN
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IN-HYAN (M-H) THEN ROSE TO SAY, ON BEHALF OF ALL THE DEFENDANTS, HE REJECTED THE COURT'S RIGHT TO TRY THE 13. HE CONTINUED THAT ALL THE DEFENDANTS HAD WORKED FOR THE RESTORATION OF DEMOCRACY IN KOREA FOR MANY YEARS. AND THEY WERE NOT ARGUING WHETHER THIS HAD BEEN RIGHT OR WRONG. THEY WERE IN FACT CLAIMING THAT SUCH ARGUMENTS ARE UNNECESSARY. THE COURT'S LEGAL OFFICER SILENCED MUN AT THIS POINT, AND LATER SAID THAT ALTHOUGH SOME MIGHT PROTEST THE COURT'S RIGHT TO TRY THE DEFENDANTS, THERE COULD BE NO MORE QUESTIONS ON THAT POINT.
3. (LOU) THE PROSECUTION THEN MOVED THAT KIM DAE JUNG (M-A: KIM TAE-CHUNG) BE TRIED SEPARATELY FOR HIS ALLEGED VIOLATIONS OF THREE LAWS: THE ANTI-COMMUNIST LAW, THE FOREIGN CURRENCY EXCHANGE LAW, AND THE NATIONAL SECURITY LAW. AFTER A 15-MINUTE JUDGES CONFERENCE THE MOTION WAS
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DEPARTMENT OF STATE A/CDC/MR
REVIEWED BY H. Tegeler DATE 8/18/87
PORTIONS DENIED AS INDICATED

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GRANTED, AND THE OTHER 12 DEFENDANTS WERE LED FROM THE COURT ROOM. (DEFENDANT KIM SANG-HYON (M-R) SMILED AND WAVED TO EMBOFF ON THE WAY OUT.) KIM DAE JUNG THEN VOLUNTEERED THAT THE TRIAL IS "POLITICAL REPRESSION," LIKE THAT WHICH HE SUFFERED UNDER PRESIDENT PARK CHUNG HEE (M-R: PAK CHUNG-HUI). QUOTE THEREFORE I WILL ANSWER NO QUESTIONS. UNQUOTE.

4. (LOU) THE PROSECUTOR THEN REVIEWED SOME OF KIM'S BACKGROUND, BEGINNING FROM THE PERIOD HE LIVED IN MOKPO UP THROUGH KIM'S VIOLATIONS OF EMERGENCY MEASURES IN 1976, AND THE EVENTUAL RESTORATION OF HIS POLITICAL RIGHTS. THE PROSECUTOR THEN ASKED KIM A SERIES OF QUESTIONS ABOUT HIS ALLEGED LEFTIST CONNECTIONS. KIM, WHO WAS SEATED, REMAINED SILENT.

5. (LOU) AFTER A 40-MINUTE BREAK, DURING WHICH ACCORDING

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TO KIM SANG-HYON'S LAWYER THE JUDGES WERE WORKING OUT A COUNTERSTRATEGY TO HANDLE KDJ'S REFUSAL TO ANSWER QUESTIONS, THE COURT WAS RECONVENED. THE LEGAL OFFICER ASKED KIM WHY HE DIDN'T ANSWER, CLAIMING THAT KIM WAS ONLY HURTING HIS POSITION BY REMAINING SILENT. KIM SAID THAT HE STILL REFUSED, BUT THAT HE WOULD ANSWER QUESTIONS BY HIS OWN ATTORNEY UNTER CROSS-EXAMINATION. HE THEN SAT SILENT DURING DOZENS OF QUESTIONS, MANY OF THEM ABOUT KIM'S ALLEGED ACTIVITIES IN JAPAN AND THE U.S.

6. (C) KIM NOW HAS SIX LAWYERS: HO KYONG-MAN, PAK YONG-HO, AND KIM TONG-O'ON [illegible] AND SO CHONG-IL, KO CHAE-HYOK AND SIN HO-YONG [illegible]. CHIEF DEFENSE COUNSEL HO KYONG MAN TOLD EMBOFF THAT KIM HIMSELF ACCEPTED HO AS HIS LAWYER. [illegible]

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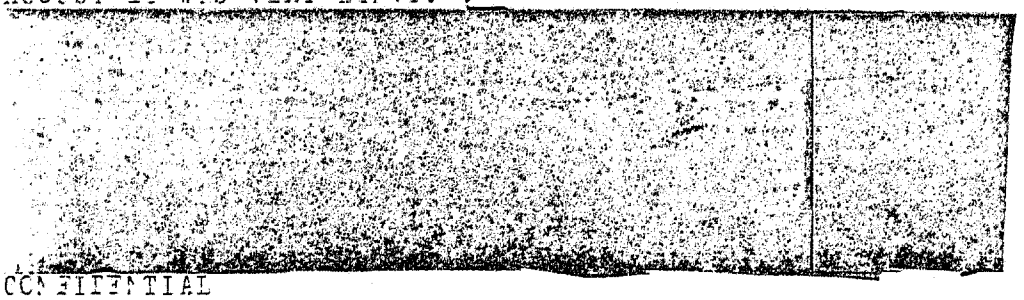
HE SAID HE HAD NO IDEA HOW LONG KIM'S TRIAL ON THE THREE CHARGES LISTED PARA 2 WOULD GO ON (OTHER OBSERVERS THOUGHT THE PRESENT COURT MARTIAL MIGHT BE VERY SHORT SINCE KIM IS REFUSING TO ANSWER QUESTIONS.)

7. (C) CENSORSHIP OF POOL COVERAGE (BY NYT'S SCOTT-STOKES) AUGUST 18 WAS VERY HEAVY. [illegible]



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